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Fax inside & Bot inside

Intellectual Ammunition

a publication of The Heartland Institute

Potshots

How far apart were the vehicles at the time of the collision?

ATTORNEY DURING A TRIAL

I am in shape. Round is a shape.

People will accept your ideas much more readily if you tell them that Benjamin Franklin said it first.

It is easier to fight for one's principles than to live up to them.

This afternoon there will be a meeting in the south and north ends of the church. Children will be baptized at both ends.

CHURCH BULLETIN

In a primitive society, when native tribes beat the ground with clubs and yelled, it was called witchcraft; today, in civilized society, it is called golf.

Do not drive car or operate machinery.

LABEL ON A PACKAGE OF CHILDREN'S COUGH SYRUP

Liberty means responsibility. That is why most men dread it.

GEORGE BERNARD SHAW

I will tolerate with the utmost latitude the right of others to differ from me in opinion.

THOMAS JEFFERSON

Writing a Great Campaign Speech

by James T. Snyder

I am constantly amazed at seeing so many candidates for every level of public office, of every political party, with campaign organizations running as smoothly as a Rolls-Royce V-12 engine, get up before a crowd of happy supporters and absolutely bomb when giving a speech. Boring. Flat. Cliché-ridden.

What a mistake.

Because when all is said and done in the modern world of retail politics, what is actually seen or heard by the voters and the media at public events or on television? A candidate speaking. Oratory. A vocal message that captivates and charms, or falls flat on its face and turns voters away in disgust and disappointment.

Most candidates don't have access to professional speechwriters who can write a startling new speech every day of a campaign. But the need for an excellent, resounding, memorable core speech remains for every candidate, no matter what political office is being sought.

The central stump speech is the heart of the campaign. Memorized, it can be lengthened or shortened to fit every occasion. The introductory story and lesson(s) drawn can be changed to fit any audience. Like FDR's unseen leg braces, the speech supports the exhausted or distracted candidate who hasn't the time or energy to say something entirely new every night of the week. But with a minimal amount of work, it can be made to appear fresh and renewed on a moment's notice.

And it can be used to draft ever more sophisticated, eloquent custom speeches for events of singular importance—the big fundraiser, or the television debate.

It also becomes the central philosophical document of the campaign. It is the Rosetta stone for the assistants writing the direct mail letters, forms the script outline for the phone bank volunteers, and provides direction for press releases. And it ensures that everyone in a far-flung and highly fluid campaign stays on message—the candidate's message.

How's a Candidate to Start?

So, how do you accomplish this magnificent thing?

First, you need to sit down—alone—on quiet evenings early in the formative weeks of a campaign and come up with a cogent, taut, spirited rationale for running that can be articulated in 20 words or less to anyone who asks.

Second, meet with your advisors and consultants and hash out a central message built around

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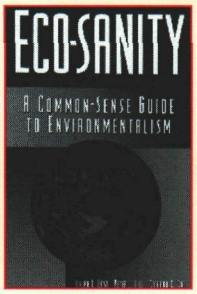

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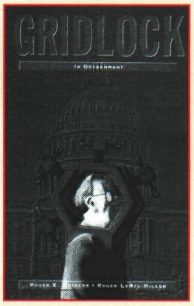

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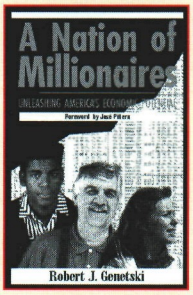

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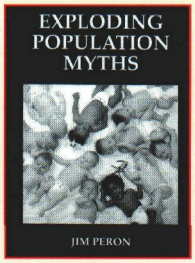

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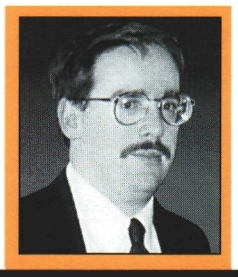

News from the Heartland

by John R. La Plante
Managing Editor

It may turn out that what we need to fear is not Big Brother, but Big Daddy.

Last year, federal regulatory officials sought to impose "know your customer" rules on banks. Intrusive, many said, and the thousands of angry letters to Congress and the FDIC led to a quiet withdrawal of the rules. More recently, the Census has been criticized as too nosy.

In both these episodes, the threat to freedom is said to come from above: government officials, especially in Washington DC, are poking around where they ought not, trying to run our lives for us.

And yet . . . While people rightfully fear the danger of over-intrusiveness by government, they also continue to demand that government "do something" to ameliorate problems great and small. Want to take time off work to care for a sick family member, but you've run out of vacation time? Press for a law to mandate paid family leave. Bothered by the fact that your community isn't as small and quaint as it was when you moved in 20 years ago? Agitate for restrictive zoning codes to keep out "big box" retail stores or condos.

Of course, almost every new "right" imposes an obligation on someone else. Worse still, such efforts establish the pattern that the way to achieve what you want is to use, of all the institutions in society, the one with the legal monopoly on force.

Automobility and Elections

Some folks don't care for cars; the noise over sprawl is in part an anti-auto campaign. Perhaps it's because I'm originally from Michigan, but I love cars. They offer unparalleled flexibility in scheduling (just try to get from suburb to suburb on mass transit), expand our educational opportunities, enhance our choices as consumers, and protect us against those who would limit civil and economic freedoms.

In their new *Policy Study* for The Heartland Institute, excerpted on page 16 of this issue, Joseph Bast and Jay Lehr remind us that cleaner and safer automobility technologies are already in use, and more good news is on the way. "Only misguided public policies," they warn, "threaten to derail this market-driven progress."

The purpose of *Intellectual Ammunition* is to give you the tools you need to promote sound public policy. Usually, we do that with tightly written essays addressing the topics most likely to come before you as a policymaker. This issue's cover story offers an angle more direct than most, offering tips on how to write an effective speech. While aimed at the candidate for political office, the article should prove useful to all of us who want to improve our speech-making skills.

If you'd like to see more of these "hands-on" articles, please let me know what topics would be of most interest to you.

Featured Columns

In a guest appearance in the Welfare column, Dr. Amy L. Sherman reviews the "Charitable Choice" provisions of the landmark welfare reform law. "The traditional social services network," she writes, "is being broadened with the inclusion of 'new players.' Just as importantly, these new players are doing new things." John Kramer's Law column recounts the plight of a Las Vegas limousine driver who is denied a license to work by the opposition of other companies, who have a right to select their competition . . . their life made just a little easier by Big Daddy.

Managing Editor John La Plante can be reached by e-mail at laplante@heartland.org.

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that rationale, determining what particular issues need to be addressed every time in the speech.

Third, someone has to write the darned thing. The following are the "Magnificent Seven" rules for writing the perfect speech, distilled to their martini-dry essence.

Tip #1: Write for the Ear, Not the Eye

When we write, we write for the eye. When we speak, we choose words that are pleasing or familiar to our ear. The trick to writing a good speech, then, is to entertain the ear—by writing something that sounds spoken.

To write for the ear, the speaker must write in a way that captures the usages, cadences, rhythms, and intonations of humans speaking to one another. Drop the use of perfect grammar, tense, and construction, which makes the written word sound stilted when spoken.

> *"People will excuse all kinds of lousy speech-making, just chalking it up to inexperience. But nobody—nobody—forgives the pain of a long speech."*

Tip #2: Understand the Speech as an Essay

One of the primary reasons people struggle with speeches is that they have no frame of reference within which to put the activity.

Experienced speakers and speechwriters know that a speech is essentially an essay. An essay has a clear beginning, middle, and end; it organizes disparate points into a single, coherent package.

Fortunately, given that most of us have experience writing dozens of essays in school, you should already have a firm intuitive grasp of the essay concept. The underlying approach to drafting any speech should now snap clearly into focus. Outline your speech/essay first, point by point, then flesh it out with short, crisp sentences that make your case.

Tip #3: Is the Speech Appropriate?

Make certain you can answer the following questions when fashioning a speech for a particular audience:

1. What is the time, place, and expected manner of the speech?
2. Are there particular topics and issues you must address? If so, what are they?
3. What are the demographic characteristics of your audience—age, sex, educational background, geographic background, religious, ethnic and/or racial background, particular (or peculiar) interests and affiliations—and how many will attend?
4. Are you expected to be in the teaching mode, the cheerleading mode, the information-imparting mode, the entertaining mode, or some other mode?

Tip #4: Find a Unifying Theme

Most speaking events fail because the speaker didn't understand that in addition to imparting information, a speech must move people. The goal is to make the listeners think, care, respond, act. Every successful political speech contains within it some image, idea, or turn of phrase that touches the listener's heart or mind.

Find a single theme or vision that fits the content, tone, and temperament of the entire speech. Change. Progress. Growth. Success. Finding that theme helps in organizing the speech logically. Develop one or two thematic quotes, stories, and analogies—especially G-rated personal anecdotes—insert them early in the speech, and develop the central message from the opening.

Tip #5: Master the Power of Language

Use clear, simple, and expressive language whenever possible. Avoid slang or idiomatic expressions. Never use any of the following modern Orwellian "Newspeak" words in a speech, political or otherwise: empowerment, rightsizing, reprioritize, facilitation, paradigm, excellence, benchmarking, stakeholders, team player, impact, and so on.

Mastering this tip is difficult, because even professionals in a campaign find writing such prefabricated, cliché-ridden jargon irresistible.

Tip #6: If it Ain't Funny, Don't Use it

Humor can be most effective in a political speech. It can break the ice with the audience, gel a line, deflect a candidate's negatives, and provide the perfect thematic pitch so important to listener interest. But most of us—including political candidates—aren't really that funny. Think of humor as campaign-ending nitroglycerin.

If you do use humor in a speech, make certain the story, anecdote, or joke is surefire funny with all listeners. Test it with a bright constellation of different folks for laughs. If the joke or story is dirty, off-color, of questionable genes or ancestry, or is offensive to some identifiable religious, ethnic, or racial group other than Martians, leave it out.

Tip #7: Keep Your Speech Short

People will excuse all kinds of lousy speech-making, just chalking it up to inexperience. But nobody—nobody—forgives the pain of a long speech. Twenty-five to 30 minutes is a long speech, 15 to 20 minutes is a medium-long speech, and seven to 10 minutes is a nice short speech.

Writing the Perfect Speech

1 Write for the Ear, Not the Eye
2 Understand the Speech as an Essay
3 Is the Speech Appropriate?
4 Find a Unifying Theme
5 Master the Power of Language
6 If it Ain't Funny, Don't Use it
7 Keep Your Speech Short

Practice Makes Perfect

Finally, after the speech has been carefully crafted using these rules, it is time to practice, practice, practice until you drop. Actually giving the speech is theater. The performance should be focused, articulate, dramatic, and passionate, with every effort made to move people, to use your carefully honed emotions to make the audience *feel*—intellectually, emotionally, and spiritually.

Finally, at that critical early moment when your first great speech is ready, there's a real campaign now underway.

On to victory in November!

Attorney James T. Snyder is a freelance speechwriter. A longer and slightly different version of this essay was printed in the February 2000 issue of Campaigns & Elections and is used by permission. Subscriptions to Campaigns & Elections are $49.95 per year. Call 202/887-8590 for further information.

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Crime

Morgan Reynolds

Morgan Reynolds is director of the Criminal Justice Center at the National Center for Policy Analysis.

Boot Camp: Does the Shoe Fit?

Got a rebellious son? A nose for trouble and too much attitude? A popular solution—at least for well-heeled families—has been military school. Let the boy taste military discipline and see how tough he thinks he is. No doubt military school, or a stint in the Army itself, has worked for many a boy.

If the military can transform (some) unruly individuals into ram-rod-straight, responsible citizens, why not apply the formula to those found guilty of crimes? Perhaps basic training, with its structure, rigor, and physical challenges, can convert bad guys into good guys.

Good for TV

Nice idea. Correctional boot camps started in Georgia and Oklahoma in 1983 and quickly spread to a majority of states. It was a feel-good innovation, one with a certain amount of logic, strong appeal to conservatives, and good television footage. Liberals couldn't openly trash the experiment, since they always tout "intermediate sanctions" and "alternatives to incarceration" (anything but prison). Boot camps seemed so New Democrat, both tough and smart, the right mix of punishment and rehab.

Boot camps flourished and spread from adult prison camps to juveniles, even to "wilderness" programs.

Whoops. That last item hints at paradigm degeneration, doesn't it?

Boot camps gradually went from tough upper-lip, military drills to therapeutic programming, treatment, and aftercare, while de-emphasizing the military focus. The feminization of boot camps, apparently. Result? Huge variation in programs and little by way of results.

Early systematic studies of adult boot camps (also labeled "shock incarceration") found no significant difference in recidivism for boot camp subjects compared to similar convicts who either received probation or served time in prison. Very disappointing.

But wait, said the researchers, none of these studies involved the best scientific methodology—random assignment of subjects—so maybe boot camps have favorable independent effects on post-release behavior that we can't see just yet. Give us some more government money and we'll investigate further.

No Visible Results

Three random-assignment studies were done with Department of Justice money, and a fourth was conducted by the California Youth Authority. No boot camp showed a significant effect on recidivism rates.

The national authority on the subject, Doris Layton MacKenzie, a criminology professor at the University of Maryland, concluded, "The only hopeful sign is in one follow-up study examining programs that provided intensive rehabilitation-type activities in the boot camp and aftercare upon release."

Is this typical or what? Most criminologists specialize in psychobabble such as "aftercare" for criminals. I'll bet few criminologists or sociologists served in the military, and that most abhor military-style programs. They sympathize with criminals, live off government grant money, and produce research government wants. It's doubtful the academy would find a favorable impact for boot camps if it existed.

Yet boot camps probably do not work as intended, despite much initial enthusiasm and warm TV footage. Changing an evil heart requires that it be willing to change . . . and more than 90 days of regimented life. Teenage curfews, shaming sentences, halfway houses, gun-buyback programs—whatever the "latest solution"—the state flounders in most attempts to prevent crime.

> *"Boot camps seemed both tough and smart, the right mix of punishment and rehab. But no boot camp showed a significant effect on recidivism rates."*

Administering the *coup de grâce*, self-appointed children's rights advocates now campaign against juvenile boot camps, citing them for abuses. They're probably right in a few cases.

California and Colorado have dropped boot camps, so we may be nearer the end than the beginning of boot camps.

What's the most successful crime prevention program in America today? No question, it's the intact married family. Despite this well-researched fact, Patrick Fagan of The Heritage Foundation notes that the government avoids gathering the right data on family structure in its Census of Juvenile (Criminal) Residential Base. He urges Congress to correct this glaring oversight. Of course, if government policies reinforced traditional families rather than undermined them, then DOJ grants, criminology researchers, social workers, and a growing criminal justice establishment would be imperiled.

Roy B. Willett, a Virginia judge and past president of the National Council of Juvenile and Family Court Judges, said in 1993, "The breakdown of the family is the primary problem. Many parents are not fulfilling their roles. They are expecting the government and the schools to provide parenting functions."

FOR MORE INFORMATION...

The Real Root Causes of Violent Crime
How did we get into this mess? A breakdown of marriage, family, and community. (The Heritage Foundation, March 1995, 19pp.)

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Education

George Clowes

George Clowes is managing editor of *School Reform News*, a monthly newspaper published by The Heartland Institute.

Public Schools Not Accountable to Parents

School boards and state governments have legal powers to fund and run public schools, but are they legally accountable for the results? Not according to judges in two different states.

Florida

In a decision widely applauded by school choice opponents, Leon County Circuit Court Judge L. Ralph Smith Jr. ruled on March 14 that the Florida law authorizing the nation's first statewide voucher program is unconstitutional.

According to Smith, the state constitution's directive on public education is violated when public dollars are used to pay for a child's education at a private school. "Tax dollars may not be used to send the children of this state to private schools," declared Smith, ruling on the voucher program that has permitted 52 of the state's students to leave their failing public schools and attend private schools.

> *"The [Denver] court's ruling strengthens the case for school choice. . . . With choice, each school would have a contractual obligation to each parent to provide a quality education to each child."*

Smith ruled the voucher program "violates the mandate of Article IX, section 1, Florida Constitution, that the State provide a free education through a system of 'public schools'. By providing state funds for some students to obtain a K-12 education through private schools, *as an alternative to the high quality education available through the system of free public schools,* the legislature violated the mandate of the Florida Constitution, adopted by the electorate of this state." [emphasis added]

The state constitution's requirement that K-12 public education be accomplished through a "system of free public schools" is "a prohibition on the Legislature to provide a K-12 education in any other way," declared Smith. However, he continued, this prohibition does not apply if the state cannot meet a student's needs in the public schools. Thus, programs that provide specialized services at private schools, such as those for disabled, disruptive, and violent students, "do not appear to violate Article IX, section 1."

Reg Brown, Governor Jeb Bush's deputy general counsel, called the judge's legal analysis "novel but unsupported by the plain language of the constitution," and argued that the constitutional amendment was meant to guarantee adequate public school financing, not to "prohibit the state from doing anything else."

Colorado

While the Florida court ruled that public education must be provided in government-run schools, a Colorado court has ruled that parents of public school students have no legal claim against those schools for poor performance.

The Colorado Court of Appeals unanimously ruled on February 3 that parents cannot sue public school districts for not providing a quality education to their children. The court rejected a claim by more than 3,400 Denver parents that the Denver Public Schools had a "contractual duty" to provide a good education.

The Denver Parents Association had sued the school district over the irreparable intellectual and emotional harm their children suffered from the "abysmal pattern of poor performance" of the Denver Public Schools. The suit alleged that the school district had breached its contract by failing to maintain orderly classrooms, raising graduation rates by improper means, and "dumbing down" school performance standards.

The appeals court upheld the trial court's ruling that "no contractual relationship exists between a public school district and its students, and their parents." Parents are not individual citizens who have bargained with the school district, the court determined, but are "the general public" served by the school district.

"This matter is of a political nature," wrote Judge Peter Ney, and if parents want to change the schools, they should address such issues "at the ballot box." Parents can't "hold a public school district to the implementation of its educational objectives in a judicial setting."

The court's ruling places the responsibility for school performance squarely in the hands of the elected school board, with the role of parents being to exercise political power over the board—not to demand or expect that their individual child be properly educated.

The chronic poor performance of the Denver Public Schools—and most urban school systems across the nation—illustrates the limitations of using political means to improve schools. The court's ruling thus strengthens the case for school choice, since vouchers would give parents much more focused authority over schools, allowing them to hold schools accountable for the education of individual children. With choice, each school would have a contractual obligation to each parent to provide a quality education to each child.

FOR MORE INFORMATION...

Denver Parents Association v. Denver Board of Education
The court has ruled parents have no legal right to demand that government-run schools provide a high-quality education.
(Colorado Court of Appeals, February 2000, 4pp.)

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Environment

Jonathan H. Adler

Jonathan H. Adler is senior director of environmental policy at the Competitive Enterprise Institute in Washington, DC.

Enforcement Is Not Protection

On January 19, 2000, the Environmental Protection Agency announced "record" accomplishments in environmental enforcement in 1999.

EPA Administrator Carol Browner proclaimed, "The Clinton/Gore Administration is committed to ensuring that industrial polluters pay the price for disregarding America's environmental laws and jeopardizing the public's health." As evidence she cited the number of EPA enforcement actions taken against private companies and individuals, including referrals to the Justice Department, as well as the amount of fines collected and the length of jail sentences handed out in environmental prosecutions.

There is no doubt that by many of these measures EPA had a "record" year in 1999. But does this mean the agency is doing a better job of protecting the environment? Not necessarily.

There is no direct correlation between the number of enforcement actions taken or penalties meted out and environmental protection. More enforcement actions might mean more diligent government action, or it might mean more violations to prosecute. Conversely, as more companies comply with environmental regulations, enforcement actions should drop along with pollution.

Beefing Up the Numbers

EPA is aware of this problem and sought to create actual environmental "performance measures" as part of the Clinton/Gore Administration's "reinvention" efforts. Yet this purported emphasis on results has not precluded EPA from obsessing over meaningless numbers.

EPA's 1999 annual plan identified numerous "key performance measures" for the agency to meet, including 2,030 stationary source inspections, 1,060 Resource Conservation and Recovery Act inspections, 100 administrative orders, and 310 criminal referrals. The closest any of the measures comes to evaluating the real-world environmental result of enforcement is that EPA plans to identify five "high priority areas" for enforcement in 1999. So much for measuring results.

Another EPA initiative to demonstrate the environmental benefits of enforcement is the compilation of "Case Conclusion Data Sheets." These reports summarize the "qualitative and quantitative impacts and results of administrative and judicial enforcement cases." These outline any injunctive relief that will produce environmental results, as well as supplemental environmental projects that violating firms agree to undertake as part of a settlement agreement. Yet here, too, it is unclear that EPA is measuring much that matters to the environment.

Consider one of EPA's "record" enforcement actions. In December 1995, General Motors was fined $11 million, the second-largest civil penalty ever assessed under the Clean Air Act at the time, because approximately one-half-million Cadillacs were equipped with a "defeat device" that increased emissions of carbon monoxide when the air conditioner was on.

EPA proclaimed the prosecution of GM a victory for public health, even though carbon monoxide is a winter-time problem, and most of the excess carbon monoxide emissions would occur in . . . the summer. The vast majority of the offending vehicles fully complied with the carbon monoxide standard when it actually mattered . . . the winter. The GM case certainly padded EPA's enforcement numbers, but it may not have been such a big victory for the environment.

Another meaningless measurement is the number of citizen suits filed by environmental groups under the various environmental laws. Under most major environmental laws, private groups can bring civil enforcement actions against private firms to force compliance with federal regulations and, in some cases, force the payment of fines to the U.S. Treasury. These suits are intended to allow "private attorneys general" to supplement state and federal enforcement efforts.

> *"Tallying lawsuits, fines, or jail sentences may make for a good bureaucratic bean-counting exercise, but it says precious little about actual environmental results."*

Yet there is no reason to believe that a higher volume of citizen suits translates into greater environmental protection, not least because environmental harm need not be proven for a citizen suit to be successful. A private company can be subject to a citizen suit, and substantial fines, merely for violating the technical terms of an emission permit, even when there is no evidence of any environmental impact. As a result, it appears that most citizen suits are filed against the easiest targets with the deepest pockets, rather than against the greatest sources of pollution. Even so, environmental activists cite the number of private suits as evidence of a job well done.

Career investigators and prosecutors are under substantial pressure to keep the numbers high regardless of their actual significance—lest anyone accuse EPA of going "soft" on polluters. In the end, tallying lawsuits, fines, or jail sentences may make for a good bureaucratic bean-counting exercise, but it says precious little about actual environmental results.

FOR MORE INFORMATION...

Bean Counting for a Better Earth
The author gives an extended treatment to the themes of this article. (Reason, Spring 1998, 9pp.)

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Health Care

Twila Brase, RN, PHN

Public health nurse Twila Brase is president of Citizens' Council on Health Care.

Drug Coverage Debate Misses Real Issues

A healthy dose of reality needs to be injected into the Medicare drug benefit discussion.

Not only does President Clinton's $160 billion proposal virtually ignore Medicare's dwindling resources, it also does not acknowledge the broad new definitions of medicine and the personal characteristics of the next generation of Medicare recipients.

Compared to the population targeted by Medicare at its inception in 1965, future recipients are expected to be healthier and living longer. They also will be highly educated and using the Internet to find information about the best care and latest medication available . . . and then they will be demanding it.

Millions of these new Medicare recipients, once used to "having it all" in a robust economy, will not take kindly to being dumped unceremoniously into a program hamstrung with 130,000 pages of regulations, medical necessity denials, and little money for actual patient care.

"Future [Medicare] recipients are expected to be healthier and living longer. They also will be highly educated and using the Internet to find information about the best care and latest medication available . . . and then they will be demanding it."

The cost projections for funding Medicare become downright alarming when the baby boomers start to retire ten years from now. The National Bipartisan Commission on the Future of Medicare reports that Medicare spending *without* a drug benefit will grow from 12 percent of the current federal budget to somewhere between 28 and 38 percent by 2030. Yet the ratio of taxpayers to retirees will shrink to only 2.8 in 2020, down from 3.4 today and 4.5 in 1960.

In the face of these projections comes the unexpected production of expensive medications never before imagined. Until recently, pharmaceuticals were limited to drugs that alter the biological function of a human organ or inhibit the growth of invasive organisms, like bacteria or cancer cells. But new research is producing medications that promise to prevent or attack disease at the genetic level.

Sidney Taurel, CEO of Eli Lilly, a pharmaceutical company, predicted this February at the Economic Club of Detroit that drug treatments will render "treatable, or curable, or even predictable and preventable" diseases that have baffled medicine for centuries. These are the medications baby boomers will read about and demand. Trying to meet their requests would be a political nightmare for a Congress facing budget pressures.

Government Solutions Problematic

Not only is a federal drug benefit a potential budget-buster, it's not good health care for the nation's seniors.

President Clinton's idea of forcing drug manufacturers into Medicare does not merit consideration if health care access is the goal. Where federal restrictions and bureaucracy are allowed to infect the private market, price-fixing and denial of expenditures, including medications and research projects, are sure to follow. Mandatory contracts will only increase costs and limit patient access to medications.

Congress already prohibits Medicare patients from purchasing covered services denied by Medicare. If outpatient medications are included in Medicare, federal officials can place a drug on the Medicare formulary but make it unavailable simply through "medical necessity" denials.

To help senior citizens who cannot afford medication, Congressional leaders should look at new and creative strategies to provide assistance. One possibility is to offer tax credits for contributions made to private pharmaceutical assistance programs. Doing so could encourage drug companies to replicate the GlaxoWellcome charitable prescription program, which offers certain drugs for up to 90 consecutive days at a cost of $5 to $10 to those without sufficient financial resources to pay full price.

Congress should also target the high costs of drug research. A single drug can cost $500 million to bring to market; the FDA approval process can take up to 14 years.

Elected representatives and drug companies can do much to satisfy highly informed patients, protect the future of drug research, and avoid endless political battles over Medicare. Rather than promising coverage for medications on one hand, and denying access to drugs on the other, Congress should consider radical strategies for weaning future seniors off Medicare, including Medical Savings Accounts and the reintroduction of lifelong major medical insurance policies—available through the private marketplace long before Medicare existed.

Pharmaceutical companies can also contribute positively to the debate with a vibrant display of private charity. Without some evidence of compassion for the poor, drug manufacturers will not garner the sympathy of a public facing mind-boggling drug prices.

Unless prevailing public opinion can be changed, a politically motivated Congress may find it easy to devour one of America's best hopes for a bright health care future.

FOR MORE INFORMATION...

Ten Myths about the Market for Prescription Drugs
It's easy to misunderstand how the pharmaceutical market really works. Here are ten popular misconceptions. (National Center for Policy Analysis, October 1999, 3pp.)

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Law

John E. Kramer

John E. Kramer is vice president for communications of the Institute for Justice.

State Shouldn't Dictate Your Occupation

Rich Lowre's swollen hands, which once wrapped comfortably around a limousine steering wheel or opened a passenger's door, now roll copies of the *Las Vegas Review-Journal*. He wakes in the pre-dawn hours, bundles the papers into bags, and carries them out to his car—not the proud stretch Lincoln he once drove, but his Honda.

Long before the sun rises, before other people have pressed the snooze button for a second time, entrepreneur Rich Lowre slowly cruises around quiet neighborhoods with his window open, tossing out newspaper after newspaper. Rather than chauffeuring around the interesting people he met while driving his limousine, Lowre drives his Honda alone in the dark.

Over the past two years, a Nevada state agency—the Transportation Services Authority—deliberately drove Rich Lowre and dozens of other independent drivers out of their chosen occupation. Each entrepreneur has since scrambled in his own way to make ends meet. For Lowre, that means being a 53-year-old paperboy.

> *"Allowing existing companies to intervene against any new applicant, the agency demands proof that any new company will not take even one single customer from existing service providers."*

Senator Bill O'Donnell, chairman of the Nevada Senate Transportation Committee, delivered the *Las Vegas Review-Journal* at one time. He was a boy then.

Among those on his route was John Mendoza, a former state judge and until recently the chairman of the Transportation Services Authority. To the delight of those gathered at a Transportation Committee hearing last year, former newspaper agent O'Donnell publicly jibed Mendoza for never tipping him when as a youth he came around to collect subscriber payments. But Chairman O'Donnell assured Judge Mendoza that all was forgiven, even if it wasn't forgotten. Good old boys forgive each other.

At that same hearing, however, it became distressingly clear to those who cherish free enterprise as an American birthright that there was something state powerbrokers would not forgive: the pursuit of honest enterprise without the government's permission.

Nevada requires would-be limousine operators to secure a certificate of "public convenience and necessity" before operating. But the Transportation Services Authority (TSA) refuses to issue these permits to independent drivers, even if an applicant possesses a clean driving record, no criminal background, and an insured, inspected vehicle. Allowing existing companies to intervene against any new applicant, the TSA demands proof that any new company will not take even one single customer from existing service providers. In essence, TSA Chief Mendoza and his peers told people like Lowre, "Show us you won't compete, or you must find another occupation."

Hearing, But Not Doing

Throughout the past legislative session, Lowre and his backers have explained the problem to Senator O'Donnell and other lawmakers. They listened, but did little more. At the behest of Mendoza and limo company lobbyist Harvey Whittemore, O'Donnell's committee punted when meaningful legislative reform was put before it.

Despite repeated entreaties from Lowre throughout the entire process, Governor Kenny Guinn (who said in a State of the State address, "Government belongs at the balancing point between our rights and our responsibilities") remained silent on Lowre's efforts to vindicate his right to earn an honest living in the face of overwhelming state opposition. Governor Guinn may yet support Lowre's quest for the responsibilities that come from achieving self-employment.

For now, Rich Lowre finds himself behind the wheel of his Honda delivering newspapers. He also finds himself back in court continuing a legal challenge he filed along with the Institute for Justice against the TSA and its barriers to economic liberty.

The question before the court is a simple one: Can the state deny Lowre and dozens of other entrepreneurs like him the right to earn an honest living? It is a question the Institute for Justice is raising on behalf of entrepreneurs in cases nationwide.

Although IJ has scored significant victories for those trying to create private-sector jobs for themselves and others in New York, Ohio, Indiana, California, and elsewhere, Nevada regulators have so far made it clear they operate under the misguided belief that rights—including the right to economic liberty—are merely gifts from the state, to be reserved for and doled out to the politically powerful.

The existing collusion of economic interest by Lowre's would-be competitors and the state officials, who derive power from regulating Lowre's industry, is something to be expected in a kleptocracy, not a republic. This strangling of economic opportunity is contrary to good sense, sound economics, and just government.

FOR MORE INFORMATION...

The Paradox of Statist Businessmen
Business owners in favor of government power? No surprise, really. (Nevada Policy Research Institute, September 1999, 3pp.)

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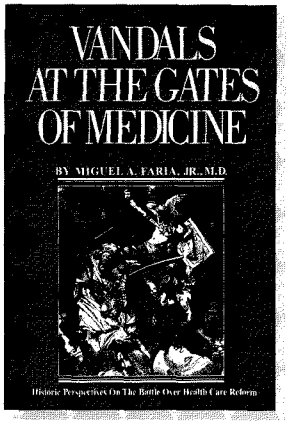


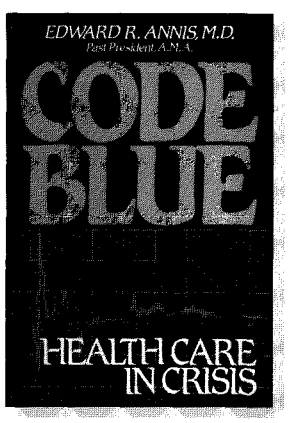
Vandals At The Gates of Medicine

Historic Perspectives on The Battle Over Health Care Reform

Miguel A. Faria, Jr., M.D.

Miguel A. Faria, Jr., M.D. provides compelling arguments that answers to the dilemma of health care reform reside on the pages of history. This fascinating book draws parallels between the past and the present, from a time when the fine line separating myth and history was blurred and indistinguishable to the clearly troubled present.

(403 pp., 1995, Illustrations, Bibliography, Index, ISBN: 0-9641077-0-8, $41.95)



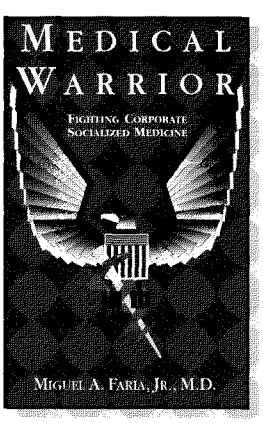
Code Blue

Health Care In Crisis

Edward R. Annis, M.D.

What the press doesn't tell the public—but Dr. Annis does—is that health care problems have a "Made in Washington" label. *Code Blue* shows how with "minimal changes in our tax laws, Medisave accounts would empower the patient by breaking the tie between job and health insurance and even would allow the gradual phasing out of Medicare."

(278 pp., 1993, Index. ISBN: 0-89526-515-X, $21.95)



NEW!

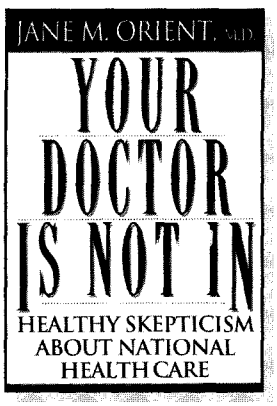
Medical Warrior

Fighting Corporate Socialized Medicine

Miguel A. Faria, Jr., M.D.

In this book of essays, Dr. Faria, argues that managed care and HMOs are not "free market" alternatives, but rather an unholy partnership of government and corporate interests seeking monopolistic government protection to eliminate competition while changing the ethics of medicine from a Hippocratic ethic to a false corporate morality. *Medical Warrior* offers workable solutions to restore medicine to its rightful place.

(207 pp., 1997, Selected Bibliography, Index, ISBN: 0-9641077-2-4, $23.95)

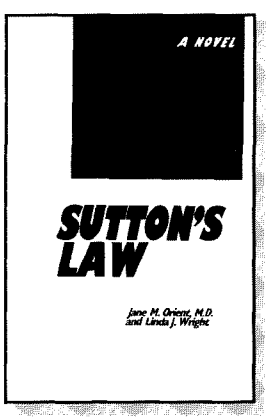


Your Doctor Is Not In

Jane M. Orient, M.D.

In this provocative book, a brilliant, committed physician, a leader in medicine argues for solutions to the crisis in medicine that are bold, thoughtful, and fundamentally opposed to those being widely touted today—including "managed care" systems. From her perspective, there is already too much government involvement in medicine, too much regulation, too much insurance—which is actually prepayment in disguise. These are the root causes of the accelerating rise in fees and costs, the neglect of patients, and stagnation in the science of medicine itself. This book is certain to add fresh energy to the debate over the quality and availability of medical care in America.

(276 pp., 1994, Index, ISBN: 0-517-59011-5, $23.00)



NEW!

Sutton's Law

Jane M. Orient, M.D. and Linda J. Wright

Sutton's Law is a "frightening realistic novel about where managed care might very well lead us...A mix of medicine, mystery, murder, and intrigue with a little high finance, drugs, and romance—*Sutton's Law* ultimately is about greed and simple justice."

(299 pp., 1997, ISBN: 0-9641077-1-6, $21.95)

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Privatization

Adrian Moore

Adrian Moore is director of privatization and government reform for the Reason Public Policy Institute.

The Competition Commissions: *Useful Tool, or Waste of Time?*

While privatization can be a powerful public policy, even its most ardent fans will admit it sometimes fails to deliver on its promises.

A common problem with privatization efforts is that state agencies are ill-equipped to pursue privatization. They have little incentive to do so, for starters. They have little experience with it, or even real knowledge of what it is. Not surprisingly, agency privatization efforts are often piecemeal and haphazard, and officials responsible for the effort fail to learn from other state agencies' relevant experiences.

Over the last two decades, a number of state governments have created competition or privatization commissions in hopes of making privatization efforts successful. Ideally, such a commission brings together a group of stakeholders and outside experts to examine privatization opportunities, create strategies for implementation, and advise the legislature and executive agencies on best practices in privatization.

In practice, such commissions have turned in mixed results. Virginia's Commonwealth Competition Council has been the nation's leading model for some years. It produces top-notch research and analysis. Its well-earned legacy is a cost savings in the hundreds of millions of dollars.

Other commissions have been jokes. Bogged down in interest-group squabbling or limited by unrealistic mandates or lack of authority, they produce nothing of value. (Out of politeness, I won't name names.)

A more common failing, though, is lack of follow-through. Colorado, for example, created a privatization commission that did an excellent job of research, identifying opportunities for privatization statewide. It went even further, developing a set of processes that agencies could adopt, compiling a useful guide to best practices, even drafting model legislation to address a few key issues. Unfortunately, the legislature gave little consideration to the commission's work; without any incentive for agencies to follow through, little else was accomplished.

Making a Commission Work

While I am normally no fan of creating new government bodies or bureaucracies, I have become convinced that a well-designed, well-run privatization commission is one of the more politically viable foundations for furthering privatization. Successful privatization efforts require political capital, knowledge, analysis, incentives, and follow-through—disparate elements that a privatization commission can help bring together. Here, from my observations garned through experience, are a few keys to a successful commission:

Build a constituency. An effective commission has wide authority to gather and disseminate information and doesn't get bogged down in battles over its own appropriations. More importantly, the commission has members who can translate its recommendations into legislative or executive actions as appropriate.

No privatization commission's recommendations will happen without the committed support of elected officials willing to spend some political capital. That requires not only developing a formal or informal group of elected officials to work with the commission, but also making the effort to get other groups—chambers of commerce, labor unions, taxpayer groups, academics—involved.

Build the right mission and objectives. A commission charged only with identifying the potential of and opportunities for privatization is not likely to accomplish much. But neither is any legislature likely to give a commission the power to compel agencies to privatize.

The right mission for a privatization commission is to help find better and less costly ways to provide government services. At a minimum, that means these objectives: identifying privatization opportunities, evaluating structural and other barriers to change and ways to overcome them, advising elected officials on management and reform strategies, building tools and processes that agencies can use to implement privatization, keeping on top of best practices in privatization from around the nation, helping agencies with research and implementation issues, and anticipating emerging issues that should be addressed.

> *"A number of state governments have created competition or privatization commissions in hopes of making privatization efforts successful. In practice, such commissions have turned in mixed results."*

Include the right skills. A successful commission needs the right skills to manage a complex mission and set of objectives. Staff members must have good research and management skills. They must be able to understand how to identify privatization opportunities and potential contractors. A good staff knows the mechanics of privatization, such as the RFP cycle, cost comparisons, and contract administration. A commission's staff must be well-versed in employee transition issues, understand asset management and accounting, and know state procurement, acquisition law, and related matters. The bottom line: skills must match the mission and objectives.

FOR MORE INFORMATION...

Public/Private Performance Analysis
Several checklists provide help in determining whether a government function should be privatized. (Virginia Commonwealth Competition Council, 1996, 7pp.)

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Regulation

Murray Weidenbaum

Murray Weidenbaum is chairman of the Center for the Study of American Business.

Oh, My Aching Back: The Feds Sock it to Us Again

"Ergonomics" sounds like one of those made-up words that bureaucrats love. Newer dictionaries define it as an applied science concerned with designing equipment and other "things" with the end-user of those things in mind.

At first blush, that just sounds like applied common sense. However, the U.S. Occupational Safety and Health Administration (OSHA) has entered the fray and proposes to make a very big deal of the subject. OSHA is moving ahead with a very ambitious Ergonomics Program Standard that is supposed to be a panacea for all "muscular-skeletal disorders," or MSDs.

According to a new study by Richard J. Mahoney and Milka S. Kirova published by the Center for the Study of American Business, the proposed standard could become the new millennium's first major regulatory confrontation between government and business. OSHA estimates the cost to exceed $4 billion a year, far beyond the economic burden of any prior OSHA directive. Of course, the federal agency says the annual benefits will be even greater (about $9 billion).

Swollen Numbers

Almost nobody agrees with OSHA's numbers. The breadth of the ergonomics standard's coverage would be awesome, and its costs equally impressive. It took OSHA 50 pages to cite the rules, 250 pages to explain the rules, and more than 1,000 pages to enumerate the 100 or more injury categories that OSHA describes.

Moreover, the standard's intricate requirements would be triggered by a single impairment of one employee at a factory or other facility—and the "impairment" may have only a minimal connection to the person's job functions.

Thus, it is not surprising that the Small Business Administration, although like OSHA a part of the executive branch of the federal government, estimated the cost of the ergonomics standard at between $11 billion and $63 billion. Private estimates are higher still.

The development of the ergonomics standard is a fascinating case study of how regulators expand their role. Initially, the standard was supposed to address the problem of repetitive motion disorders—maladies such as carpal tunnel syndrome and chronic tendinitis that sometimes result from prolonged physical activities causing repeated trauma to muscles, nerves, connective tissue, or joints.

Unfortunately for OSHA's expansive regulatory plans, the number of repeated trauma cases peaked at less than 350,000 in 1994 and fell to about 250,000 in 1998 (less than 5 percent of the occupational injuries and illnesses reported for the year).

But it would be naïve to think OSHA would drop the matter just because the problem was being solved without the agency's intervention.

Instead, OSHA broadened the scope of the ergonomics standard to include "overexertion" activities such as sprains, strains, tears, backaches, hernias, and fatigue—and also "bodily reaction" injuries that result from bending, climbing, crawling, reaching, and twisting. However, as noted by Ron Bird of the Employment Policy Foundation, the causes of "bodily reaction" injuries have few clear links to ergonomic hazards.

Improvements Already Underway

Regulators have a natural tendency to underestimate the costs they impose on the rest of us. They also tend to overestimate the benefits of the burdensome rules they impose. OSHA claims its ergonomics program rules will cut the incidence of MSDs in half over ten years. However, the overall incidence of MSDs is already declining at a more rapid rate than that—without OSHA's interference. In a recent five-year period, the overall incidence of MSDs declined by 31 percent, falling from 110.6 cases per 10,000 in 1992 to 76.6 cases in 1997.

> *"It would be naïve to think OSHA would drop the [ergonomics] matter just because the problem was being solved without the agency's intervention."*

OSHA's proposed ergonomics standard, despite the likelihood that it will do very little good in terms of accelerating the trend of improvements that are well underway, would impose expensive requirements: assessing job hazards, training workers, providing medical surveillance of affected workers, furnishing paid leave for ergonomic rest cures, and implementing costly engineering, work practice, and equipment changes.

Instead of the one-size-fits-all approach that OSHA is taking on the proposed new ergonomics standard, Mahoney and Kirova say the agency should collaborate with the National Institute for Occupational Safety and Health on serious studies into the real causes of MSDs. In addition, they recommend, OSHA should act as a clearinghouse for collection and dissemination of what works in this vague and broad area.

Unfortunately, the sensible notion of study first and regulate later would be considered an unacceptable restraint on their occupations by activists and federal regulators.

FOR MORE INFORMATION...

Ergonomics by OSHA . . . Ergo, Outgo by Business
Read the report by Mahoney and Kirova for more details. (Center for the Study of American Business, March 2000, 14pp.)

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Taxes

Bill Ahern

Bill Ahern is communications director for the Tax Foundation.

Tax Freedom Day™ Comes Late

America can celebrate Tax Freedom Day™ on May 3, 2000.

The nation's taxpayers have had to work from January 1 until the 124th day of the year before earning enough money to pay all the taxes they will owe during the year to their federal, state, and local governments.

Since 1992, the total tax burden has grown markedly. While state and local taxes have grown somewhat, the lion's share of the increase has been the rapid growth of federal tax collections.

Tax Freedom Day™ has tracked this trend by advancing almost two weeks, from April 20 in 1992 to May 3 in 2000. After this relatively short period of eight years, Americans are spending an extra 13 days working for the government. Not since the era of the Vietnam War and President Johnson's Great Society programs has Tax Freedom Day™ been postponed by so long in such a short span of years.

Tax Foundation economist Scott Moody points out that the steady rise in the fraction of our income devoted to federal taxes is primarily due to the continued economic expansion. Because of the structure of the current tax system, economic good times tend to fill government coffers faster than Americans' pocketbooks.

Income and Payroll Taxes Dominate

Americans face a plethora of different taxes in their day-to-day lives. Arguably the most visible of these are the two directly subtracted from Americans' paychecks, individual income and payroll taxes.

Individual income taxes are still the largest component of the whole nation's tax bill, and we work 50 days a year to pay them. Another 30 days will be spent working to pay payroll taxes, which fund social insurance programs such as Social Security and Medicare.

Sales and excise taxes are less noticed by the public because they're collected a little at a time, sometimes directly from the consumer and sometimes from businesses. On average, Americans will work 16 days in 2000 to pay them.

America will spend another 10 days working to pay property taxes, levied primarily by local governments though some states have significant property taxes. Fifteen days of work will go to pay corporate income taxes, which are initially collected from businesses but ultimately passed on to individuals. Finally, Americans will spend two days working to pay other taxes.

Days Spent Laboring to Pay Taxes in 2000

124 DAYS

Individual Income Taxes	Social Insurance Taxes	Sales and Excise Taxes	Property Taxes	Business taxes	All other taxes
Federal	Federal	Federal	Federal	Federal	Federal
41	30	3	0	10	1
+	+	+	+	+	+
State/local	State/local	State/local	State/local	State/local	State/local
9	0	13	10	5	1
=	=	=	=	=	=
TOTAL DAYS	TOTAL DAYS	TOTAL DAYS	TOTAL DAYS	TOTAL DAYS	TOTAL DAYS
50	30	16	10	15	2

Note: Numbers are rounded to the nearest full day.
Source: Estimates based on National Income and Product Account Definitions

FOR MORE INFORMATION...

The Merits of Replacing Minnesota's Income Tax System with a Broad-Based Sales Tax.
Should Minnesota—or any state with an income tax system—rely on sales taxes instead? (Tax Freedom Institute, January 2000, 16pp.)

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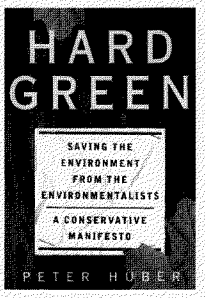

Author to speak in Chicago
Thursday - February 17
On February 17 (5:00 - 7:30 p.m.), Heartland will host a cocktail reception forManhattan Institute fellow and Forbes columnist Peter Huber, who will be in Chicago to promote his new book, Hard Green: Saving the Environment from the Environmentalists. Hors d'oeuvres will be served and a cash bar will be open throughout the evening. Registration is $20 in advance or at the door. 65 West Jackson Boulevard, Room 700.

What's New

New documents on Microsoft, broadband access to the Internet, development impact fees, and global warming

School Reform News

School Choice Debate Is Over, Says Norquist
A new poll shows strong support for vouchers in Milwaukee, even among those not permitted to take advantage of the city's choice program. In other news, a new Heritage Foundation study calls for an end to federal school-to-work programs, and stories o ter schools and academic achievement in sub schools. The issue's featured interview is with renowned eco Eric Hanushek, the country's leading expert on the relationsl tween school spending and student achievement.

Environment & Climate News

Feds protected ecoterrorists, repo
A House Resources Committee task fo turbing picture of ecoterrorist aiding an top Clinton-Gore administration official former Forest Service Chief Jack Ward "Hardcore environmentalists have lea top' to get what they want--and they want most of the time." Also in this issue: the Seattle WT biotech, mining, climate change, and more. E&CN's list of the mo features contact information for environment journalists at the 72 largest-circulation newspapers in the U.S. and Canada. An exclusive interview with economist Walter E. Williams rounds out the issue.

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Welfare

Amy L. Sherman

Guest columnist Amy L. Sherman is an advisor to The Center for Public Justice, and may be reached at 410/571-6300.

Charitable Choice Is Working

The landmark 1996 federal welfare reform law establishes new rules for collaboration between government and the faith community in serving the poor.

Called "Charitable Choice," these rules prohibit public officials from discriminating against religious social service providers seeking to compete for government contracts. They protect the religious integrity and character of faith-based organizations (FBOs) that accept government dollars by granting them important rights: to retain authority over their mission and governing board; to maintain a religious atmosphere in their facilities; and to employ only staff who agree with their religious beliefs.

The Charitable Choice rules also prohibit FBOs from using government funds for purposes of sectarian worship, instruction, or proselytization and ensure that service beneficiaries uncomfortable receiving aid from religious providers will be able to obtain help from alternative organizations.

Charitable Choice creates a level playing field between secular and religious service providers competing for public funding, and, it is hoped, will facilitate increased government-FBO collaboration without compromising the religious character of the service providers. Simultaneously, Charitable Choice protects the civil liberties of clients receiving services from government contractors. FBOs must not discriminate against a beneficiary on the basis of religion or require the beneficiary to participate in religious practices. In fact, the beneficiary has the right to obtain services from another, non-religious provider.

Research findings of a survey conducted in nine states—California, Illinois, Massachusetts, Michigan, Mississippi, New York, Texas, Virginia, and Wisconsin—are reported in "The Growing Impact of Charitable Choice." The report finds that Charitable Choice is accomplishing its aims. The program has made church-state collaboration plausible to public officials and religious leaders. Religious groups accepting government funding are not having to sell their souls, and clients' civil rights are being respected.

New Collaborations

Charitable Choice is also stimulating new collaborations. Over half of the FBOs currently working formally with government in new initiatives to serve the poor had no previous history of such relationships. The traditional social services network is being broadened with the inclusion of "new players."

Just as importantly, these new players are doing new things. In their collaboration with government, churches and FBOs are offering low-income citizens services they had not previously offered. In most instances, these religious groups have shifted from merely providing commodities to the poor (e.g., used clothing or free groceries) to working with struggling individuals intensively, face-to-face, through mentoring and job training.

Charitable Choice's impact has been modest, but notable. Strictly speaking, Charitable Choice applies only to financial relationships between government and social service providers. Research in the nine states reveals 84 new financial collaborations since 1996.

Yet many in government and the faith community use "Charitable Choice" in a broader sense, to denote all new forms of government-faith community collaborations made possible under welfare reform. A total of 41 new non-financial relationships were identified in the nine states. Most of these initiatives began within the last year and a half.

Although 125 new financial and non-financial collaborations in nine states appears a small number, it reflects a significant amount of activity, involving hundreds of congregations and FBOs and thousands of welfare recipients. The new contracts with FBOs range from $5,000 to over $350,000.

> *"Charitable Choice creates a level playing field between secular and religious service providers competing for public funding."*

Cooperation in Michigan

A classic example of Charitable Choice in action is Good Samaritan Ministries in Ottawa County, Michigan. An FBO with over 20 years' experience in community ministry, "Good Sam" was well known by Ottawa County welfare officials and well respected by area clergy. When the county was selected as a pilot site for an ambitious state initiative aimed at getting every able-bodied welfare recipient into a job, officials invited Good Sam's director to help design a comprehensive strategy.

Eventually, Good Sam received funding from the county to launch a mentoring program. In just a few months, it had recruited and trained volunteers from over 50 churches. In recent months, other Michigan counties have replicated their approach.

While survey interviews indicated considerable enthusiasm among government and faith representatives for these new collaborations, interviews also revealed that few people in either community are well-educated about the specifics of Charitable Choice. Charitable Choice's detailed guidelines are being codified into formal contracts only in Texas and Wisconsin. In all states, much remains to be done to bring government administrative procedures and procurement policies into sync with the letter and spirit of Charitable Choice.

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Individual Development Accounts
Financial capital can be useful in building human capital. (The Philanthropy Roundtable, January 1999, 4pp.)

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Don't Raid Unemployment Fund to Pay for Family Leave

by Robert P. Hunter

Should Michigan citizens who are not out of work be allowed to collect unemployment insurance? They soon could be, if the state opts for President Clinton's plan to expand the Family and Medical Leave Act (FMLA) beyond its original intent of mandating unpaid leave for workers to handle family emergencies.

In May 1999, the President directed the U.S. Department of Labor to propose regulations that would allow parents to collect unemployment compensation when taking unpaid leave under FMLA to care for a newborn or adopted child. The Department of Labor has since dutifully informed states that they may submit applications to begin this practice.

What the President is proposing is that each state's unemployment funds be used to support large numbers of people who have jobs. He wants to take the money set aside for workers who lose their jobs through no fault of their own and use it to turn the Family and Medical Leave Act into the Paid Family and Medical Leave Act.

Michigan's unemployment compensation system is a limited fund for the currently unemployed, and it is kept at a certain level—right now, about $2.5 billion—in case the economy takes a downturn and people lose jobs in large numbers. It is an "insurance" policy against unemployment, which is low right now. But we all know that can change.

Does $2.5 billion sound like a lot of cash for a state to have lying around? Not if you consider that from 1990-98, Michigan's unemployment fund paid out an average $1.08 billion each year. None of those were years of steep unemployment. So what would happen to the fund if the economy took a drastic downturn—and on top of taking care of the unemployed, it was also burdened with paying for employed parents who take voluntary leave from their jobs?

"The Clinton administration is willing to jeopardize the financial integrity of an important program for laid-off workers, just for a feel-good sound bite," says Randel Johnson, vice president for labor and employee benefit issues for the U.S. Chamber of Commerce. "This is politics at its worst, and if the administration proceeds down this course, we will see them in court."

Johnson is right: What the President is proposing goes well beyond what was intended when Congress passed the FMLA back in 1993. During debate, one of the administration's biggest selling points was that voluntary leave would be unpaid. Without this stipulation, the measure would surely have failed. Many lawmakers opposed it even with that stipulation—and were labeled "anti-family" for doing so.

Why were they so staunch in their opposition? Because they knew what most Americans still do not quite understand: Whenever an intrusive, imprecise law like the FMLA is passed—one that requires voluminous definitions for eligibility, for example—a back door is opened for the executive branch to later expand the law's intended scope.

Now, seven years after the law's passage, the President is using that back door. What angers organizations like the U.S. Chamber of Commerce and National Association of Manufacturers—members of a national coalition opposing the expanded FMLA—is that the President's move seems to vindicate their suspicion that the White House wanted paid family and medical leave all along.

> *"Whenever an intrusive, imprecise law like the [Family and Medical Leave Act] is passed . . . a back door is opened for the executive branch to later expand the law's intended scope."*

Unless Congress or a lawsuit stops it, government-enforced paid leave could become permanent. Michigan lawmakers should do everything they can to make clear their opposition to our state's participation in this scheme.

Fortunately, state officials have already responded to the Labor Department, questioning its authority to direct the use of unemployment funds in this manner. But if enough states go for the idea, pressure could build in the legislature for a legal mandate that obligates Michigan workers to participate in what will certainly be billed by proponents as a "pro-family" program.

If Michigan lawmakers really wish to do something to help families—something that is long overdue—they should allow minimum-wage workers to negotiate compensatory time with their employers the way all other workers can.

"Comp time" allows workers and employers to freely negotiate the best arrangement for paid time off to take care of family or medical needs. And, it doesn't rob the unemployed to pay for the voluntary leave of the gainfully employed.

Robert P. Hunter is director of labor policy for the Mackinac Center for Public Policy in Midland, Michigan, and a member of the Michigan Civil Service Commission. Reprinted by permission from the Mackinac Center.

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The Future of Automobility: Cars and Trucks in the 21st Century

By Joseph L. Bast and Jay Lehr, Ph.D.

In May 2000, The Heartland Institute released Heartland Policy Study #95, "The Future of Automobility: Cars and Trucks in the Twenty-first Century," by Joseph L. Bast and Jay Lehr, Ph.D. The 50-page report is available from The Heartland Institute for $10. It is also available on the World Wide Web at www.heartland.org.

This *Policy Study* examines the sustainability of cars and trucks in the first decades of the twenty-first century. The authors find that private ownership of cars and trucks produces benefits that far exceed their costs to society, and that concern over future shortages of oil, loss of farmland, air quality, and global warming do not justify restrictions on our freedom to travel.

Advanced gasoline- and diesel-fueled internal combustion engines will comprise 90 percent of new car sales in 2020 due to their superior cost, performance, and safety features. Current command-and-control regulations should be replaced with a "means-based approach" in the areas of air pollution emissions, motor fuel taxes, land-use management, fuel economy standards, and alternative fuels mandates.

1. Cars and trucks produce tremendous benefits to individuals and to society.

The benefits of private ownership of cars and trucks are often overlooked because they are woven into the warp and woof of our daily lives. These benefits include:

- Cars and trucks are generally *faster and less expensive* than alternatives because they provide uninterrupted door-to-door delivery of people and products. Short trips taken in private cars cost less than traveling by trains or buses when the value of travelers' time is taken into account.
- Cars *expand our choice of where to live and work* by making commuting faster and less expensive. The car was largely responsible for the rise in home ownership from 44 percent to 66 percent in the last 50 years.
- Cars, trucks, and buses *expand educational and shopping opportunities* by putting a larger number of schools, shops, and markets within a convenient distance of our homes, thereby expanding our choices and inspiring innovation and efficiency among competing schools and stores.
- Trucks and vans *reduce the prices of virtually all consumer and producer goods* by lowering shipping costs and by making it possible to deliver small amounts of products to retailers at frequent intervals (thereby reducing the need for storage facilities) or directly to customers.
- Automobility produces an important *political* benefit by empowering the individual against governments and others who would seek to limit his or her civil and economic freedoms.

> *"The benefits of private ownership of cars and trucks are often overlooked because they are woven into the warp and woof of our daily lives."*

2. The price of automobility is very modest compared to its benefits.

The costs associated with widespread private ownership of trucks and cars include:

- *Traffic fatalities*: Some 41,000 people died in traffic fatalities in 1999. Thankfully, traffic fatalities have been falling, both in absolute numbers and even more dramatically per mile traveled. The number of traffic fatalities per 100 million miles traveled was just 1.5 in 1999.
- *Air pollution:* Cars and trucks produce two-thirds of man-made carbon monoxide emissions, one-third of nitrogen oxide emissions, and one-fifth of volatile organic compounds and particulate matter (soot). The threat to public health is either small or nonexistent. Air pollution *from all sources* accounts at most for just 1 percent of all U.S. cancer deaths, and scientists have not found evidence linking air pollution to asthma, or particulate air pollution to human mortality.
- *"Sprawl" and loss of farmland:* Government data show that the area of the U.S. devoted to cropland stood at 24 percent in 1992, *the same as it was in 1945*. One popular estimate of the amount of farmland lost each year to "sprawl," 1.5 million acres, is only 0.16 percent of the total area devoted to farming and ranching in the lower 48 states.
- *Subsidies:* Road users in 1992 paid taxes totaling $114 billion, while total government spending on roads that year (including law enforcement and administration) was $76 billion. The difference, some $38 billion, was used to finance other social services, mass transit, and infrastructure needs.

3. Private ownership of cars and trucks is *increasingly sustainable* as energy supplies grow more abundant and car and truck exhausts get cleaner.

Are there enough minerals and fossil fuels in the world to sustain the growing fleet of privately owned cars and trucks? Do trends in air quality and auto emissions require that we phase out our reliance on cars and trucks? We found the following:

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- *Ample supplies of fossil fuels and other minerals exist:* Supplies of petroleum are sufficient to last 114 years, and supplies of natural gas and coal, which can readily be converted into substitutes for oil, are sufficient to last 200 and 1,884 years, respectively. Even the Worldwatch Institute, long a source of doomsday forecasts, concluded in 1992 that "scarcity of mineral deposits does not appear likely to constrain the production of most important minerals in the foreseeable future."

- *Air quality is improving:* Between 1991 and 1995, the number of "bad air days" (when air quality failed to meet federal standards) fell 74 percent in New York, 30 percent in Los Angeles, 49 percent in Chicago, and 63 percent in Milwaukee.

- *Global warming is no reason to restrict automobility:* Over 17,000 scientists have signed a petition saying "there is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate." U.S. cars and trucks contribute an almost imperceptible 0.29 percent to worldwide greenhouse gas emissions.

4. Advancements in car and truck technologies will ensure a smooth transition to cleaner and safer technologies when consumers are ready to accept them.

Technological changes are lowering emissions, improving gas mileage, and delivering more driver and passenger safety. Only misguided public policies threaten to de-rail this market-driven progress.

- *Conventional engines and non-engine features are steadily improving:* Average fuel economy for cars in the U.S. rose from 14.2 miles per gallon (mpg) in 1974 to about 28 mpg in 1986 and stayed at slightly above 28 mpg since that time. Emissions for most types of vehicles have fallen by 96 percent or more since 1978. Changes already "in the pipeline" promise still more progress in the years ahead.

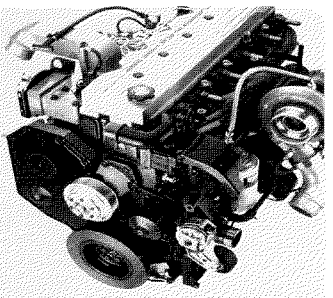
"Advancements in car and truck technologies will ensure a smooth transition to cleaner and safer technologies when consumers are ready to accept them."

GREEN DIESEL TECHNOLOGY

A technology package created by International Truck and Engine Corporation (formerly Navistar International) called Green Diesel Technology illustrates the progress being made to make diesel engines sustainable. It has the following elements:

New engine technology: A hydraulically actuated, electronically controlled unit injection (HEUI) fuel delivery system that improves performance and provides a more complete burn, creating virtually smokeless exhaust.

Particulate trap: A catalyzed regenerative particulate trap that reduces hydrocarbons, carbon monoxide, and particulate emissions, eliminates odor, and attenuates sound emissions.



Low-sulfur fuel: Lowering the sulfur content of diesel fuel to 15 parts per million is necessary to ensure efficient operation of the particulate trap. ARCO already sells the fuel in California.

The result of the system is a reduction in particulate emissions by more than 90 percent below today's levels, 25 percent fewer nitrogen oxide emissions, and a reduction in hydrocarbon emissions to below detection levels.

- *Motor fuels are getting cleaner.* Lead was phased out of gasoline in 1973, fuel volatility limits to reduce evaporation were implemented in 1989 and 1992, sulfur-content limits were imposed on diesel fuel in 1993, and reformulated gasoline was introduced in 1995. EPA is phasing in improved reformulated gasoline and reductions in gasoline and diesel sulfur levels.

- *The internal combustion engine will persevere:* Only 10 percent of vehicles sold in the U.S. in 2020 will be powered by something other than a gasoline- or diesel-fueled engine. The perseverance of conventional engines and fuels is due to advantages in purchase and operation cost, range, performance, and safety. Alternatives such as fuel cells and battery-powered electric engines are not expected to catch up until sometime after 2020, if ever.

- *Non-vehicle technologies:* Changes taking place outside the vehicle, such as remote emissions testing, congestion pricing of roads, and "Intelligent Transportation Systems" all promise to improve driver safety and reduce car and truck emissions and congestion.

5. Policymakers should move away from "command-and-control" regulations and focus instead on preventing the use of force or fraud.

The "command-and-control" approach to regulating cars and trucks has produced negative unintended consequences, costs that far exceed benefits, and violations of individual rights and legitimate expectations. We recommend, instead, a *means-based approach* to policymaking, whereby the regulator only ensures that conduct is peaceful and does not involve coercion or fraud. We recommend the following:

- *Air emissions control:* Any further reductions in allowable emissions cannot be defended scientifically or legally. The energy and dollars invested in "chasing the last molecule" would produce far greater benefits if used to fund remote emission testing systems, build new roads and better maintain existing ones, and implement congestion-based tolls to reduce traffic jams.

- *Motor fuel taxes:* Allow markets to set the price of gasoline and diesel fuels, just as we rely on markets to set prices for food, clothing, and other essentials of life. A tax on motor fuels is a tax on our freedom to travel, and can properly be resisted in the name of all the benefits and values that flow from automobility.

- *Responding to "sprawl":* Avoid high impact fees, Portland-style "urban growth boundaries," and other schemes that involve replacing the voluntary actions and decisions of individuals with the decisions of planners and bureaucrats with far less at stake in the outcome of each decision.

- *Fuel economy standards:* We have reached the end of our ability to mandate higher fuel economy through CAFE standards. Consumers are right to resist a government program that penalizes car and truck manufacturers for building products that reflect consumer demands. We recommend outright repeal of current CAFE requirements.

- *Alternative fuel mandates:* Regulators, in their rush to encourage alternative fuels, are coming perilously close to closing off some of the most promising avenues for further progress in green gasoline and green diesel technologies. They should stop attempting to second-guess consumers and producers and instead allow the market to decide when and how to replace current car and truck technologies.

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Anti-Sprawl Efforts Take Aim at Dream of Home Ownership

by Wendell Cox, Ronald Utt, and Howard Husock

Growth-control measures designed to take aim at so-called "sprawl" end up shooting holes in the dream of home ownership for younger families with modest incomes, as revealed by an in-depth study of the economic facts from states that use urban growth boundaries.

Portland and other Oregon metropolitan areas are perhaps the best, albeit the most extreme, examples of the impact of strict limits on commercial and residential development intended to increase central area densities to preserve surrounding farmland, fields, and woods. Because its urban growth boundary dates to 1979 and has remained unchanged since, Portland offers two decades of experience to assess how such limits affect building patterns, transportation usage, and home prices.

The record to date indicates a substantial escalation in home prices, declining home ownership rates, and an increase in apartment construction.

More and more households are being priced out of home ownership opportunities. In the second quarter of 1999, Portland's median household income could afford only 39 percent of the homes sold in the area, according to the National Association of Home Builders (NAHB). This housing affordability index compares to the national rate of 67 percent. Portland's housing affordability index is the lowest of all major metropolitan areas except San Francisco and San Jose. Since 1991, Portland's housing affordability index has dropped from an above-average 68—a decline of more than 40 percent.

Reflecting this trend, multifamily building permits in Portland have risen from a 25 percent share of housing permits in 1992 to 49 percent in 1997, suggesting that Oregon's single-family home production will continue to fall relative to the rest of the country.

The increase in apartment construction reflects a decline in Oregon's home ownership rate. In 1991, the state's home ownership rate was 65.1 percent of households, compared to 64.1 percent nationwide. In 1997, Oregon's rate fell to 61 percent, while nationwide the home ownership rate rose to 65.7 percent.

Portland is one of only a handful of communities that have imposed some form of rigid growth controls over a long period of time, and there are few examples to demonstrate the effect of such controls on home prices and home ownership. One of the few others is Napa County, California, which established a growth boundary in 1975 and tightened it in the early 1990s. As in the case of Oregon, home production fell while prices of existing homes soared.

The Rich Get Richer

The artificial escalation in Portland's home prices caused by policy-induced scarcity has bestowed tremendous unanticipated financial benefits upon existing homeowners, who have seen the value of their equity increase several-fold over just a few years. Most are smart enough to recognize precisely how this windfall occurred, and few, therefore, would favor a change in local policies that would dampen the escalation in asset values and personal wealth.

"The artificial escalation in Portland's home prices caused by policy-induced scarcity has bestowed tremendous and unanticipated financial benefits upon existing homeowners. Few, therefore, would favor a change in local policies that would dampen the escalation in asset values and personal wealth."

That may very well explain why the citizens of Portland continue to support elected officials who maintain the growth boundaries, while at the same time rejecting attempts to raise taxes or public borrowing to build more light rail lines. Their interest in smart-growth strategies largely extends no further than those policies that benefit them financially.

These measurable gains in wealth and asset appreciation are not created out of thin air, but rather reflect a massive transfer of wealth to existing homeowners from those buying homes now or in the future, and from future generations to those of the present. Because the older are likely to be more prosperous than the younger, such intergenerational wealth transfers also reflect an extraordinary instance of "trickle up" economics.

Of course, because the home ownership rate is falling and the rate of apartment construction appears to be soaring, these price distortions have had their greatest social impact upon the less well-off, who by now have been thoroughly priced out of Portland's home ownership market. And because they have been denied access to home ownership, such households will also be denied the opportunity to participate in America's most effective process for increasing wealth—owning equity in a home. As a consequence, the distribution of income and wealth in the Portland metropolitan area will likely become more skewed in favor of the well-to-do.

The authors are adjunct scholars at The Commonwealth Foundation, a Harrisburg, Pennsylvania think tank. Reprinted by permission from The Commonwealth Foundation.

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The Center for Public Justice
The Center for Public Justice is an independent Christian civic education and policy research organization. Its work includes the assessment of domestic and international affairs and the development of political and public policy reforms. The Center advocates the equal treatment of all faiths in public life and works to strengthen the independent institutions of civil society. Its Charitable Choice Tracking Project is a two-year effort to study the implementation and effect of the Charitable Choice provision on government collaboration with faith-based organizations in social service delivery. It has also published policy studies on electoral reform and comprehensive school choice. It offers two quarterly publications. *The Public Justice Report* provides commentary on public issues, while *Civic Connection* offers news about the Center. *Capital Commentary* is a biweekly op-ed service.

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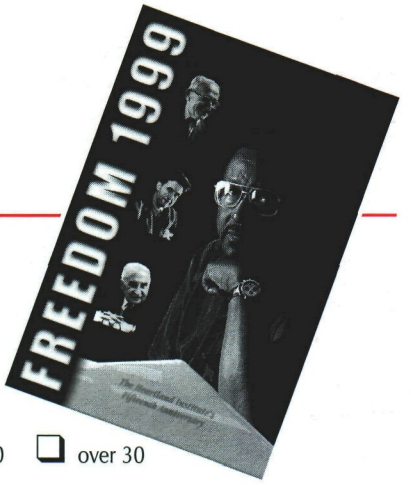

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